

Pedro Jose Garcia - 81578

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Ely State Prison

P.O. Box 1989

Ely, Nevada. 89301

Pedro Garcia

Plaintiff

United States District Court
District of Nevada

Case NO: 3:20-CV-00071-MMD-CLB

V.

CP Davis, et al.

Defendants

Response to Opposition to motion
for Appointment of Counsel

The plaintiff respectfully comes before the court. The plaintiff was served a opposition to motion for counsel appointment by the Defendant and his attorney Ginn, Laura. Defendants make few ~~and~~ ~~and~~ statements in their motion to opposition for appointment of counsel.

1. They state that that my claim to Luke Andrew Busby esq. stating to represent me if ~~it~~ write the courts is not true, the Defendant is wrong and it only proves that the Defendants have ill will towards plaintiff. Please see Attachment exhibit # 1, letter from Luke Busby esq that he is willing to help me if honorable Judge Baldwin's office refer me to the Pro Bono Program. Luke Busby esq. will send a formal agreement for review when he hears that I have been refered to the Pro Bono Program. I reached out to Luke busby esq. because he has experience in these matters. The Defendants have only been difficult in my dental issues since the begging. There is discovery issues that can be very complicated, or litigation that I the plaintiff does not have experience in especially stating cases or case law to prove points. Also the way to access expert witnesses to give testimony on my behalf. I have tried to access the identities of John Doe #1 ~~the~~ dentist Dr. Castellach. I am not sure if that is the correct spelling of his name and what is his full name. ~~He~~ he is the one who signs off on my consent for treatment DOC 2555 and medical dental chart ^{no} 2562 also Jane Doe #2 ~~for~~ dental assistant Pamela mecatehctr.

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I have tried to access their identities and have only been able to get partial John Doe #1 / Pentest Dr. Castellach, and Jane Doe #2 Pamela McCutcheon. Please see Exhibit #2 All the medical Department had to do is go in my medical records and see Doc 2555 form and Doc 2562 form to see ~~who~~ ^{who}. Both Defendants were here in the Department of Correction there is a extreme hardship to properly do my legal work. Due to security reason which I understand, and difficult prison environments. Please see exhibit #3 NDOC Law Library Case Law / ~~Research~~ Research material check out request etc. Defendants state in their opposition to motion for appointment of counsel. The Defendant claims that I have the same access to the Law Library as the other inmates at Ely State Prison, that is not a true statement made by the Defendants. A response from the last time I tried to get legal library assistance from Law Library is stated on exhibit #3. Due to no inmate workers, circumstances of Covid-19, and mandated furloughs on state employees, there is a at minimum 2 week delay, and at times even worse. I am in administrative segregation and I am on lock down. I have been in administrative segregation since 2-1-21. Although I have nothing to do with why I am on administrative lock down there is a process to when they will re-classify me the plaintiff. I have been incarcerated since 9-25-16, and I do not have any write ups. I respect all authority and rules of the institution. I am only here due to security administration until they decide or process me through there classification as long as that takes. There is many aspects of my case that require an attorney. High Desert State Prison has made me suffer through them being deliberately indifferent to my serious medical needs. They have violated my eight Amendment right to be free from cruel and unusual punishment.

In fact High Desert State prison has a history of Deliberately Indifferent action violating (8th) eighth amendment right of inmates. Please refer to *Sanzo v. Cox*, U.S.D.C (D. Nev), case NO. 3:14-cv-00030-RCJ-WGE. The only difference is that I the plaintiff chose to speak up on my right to be free from cruel and unusual punishment my 8th eighth amendment right, a Deliberately Indifferent action from the defendants. All I ask the honorable Courts of Judge Baldwin is to please appoint me the plaintiff counsel Luke Busby esq. so that I have a fair chance against defendants.

Respectfully Submitted

Pedro Garcia-81578

This 4th Day of March 2021.

exhibit # 1

Letter from Luke Busby

Luke Busby, Esq.
316 California Ave.
Reno, Nevada 89509
(775) 453-0112 (Dial Area Code)
(775) 403-2192 (Fax)
www.lukeandrewbusbyltd.com
luke@lukeandrewbusbyltd.com
Nevada Bar No. 10319

Tuesday, March 2, 2021

To:
LEGAL MAIL
Pedro Garcia - Inmate No. 81578
Ely State Prison
PO Box 1989
Ely, Nevada 89301

RE: Case No.3:20-cv-0071-MMD-CLB

Re: Appointment

Mr. Garcia ,

I have reached out to Judge Baldwin's office regarding referral of your case to the Court's Pro Bono Program. If the case gets referred to the program, I will help you out at no cost to you, except that I reserve the right to request compensation from the state as permitted by law should you prevail on your claim.

The Screening Order you sent indicates that you are required to pay your filing fee. Have you made arrangements to do this?

I will reach out again and send a formal agreement for your review when I hear back as to whether your case has been referred to the Pro Bono Program.

Sincerely,

Luke Busby, Esq.

Exhibit #2

Medical kite requesting name
of John Doe + 1/pt. castleah Dentost
at High Desert.

SIGNATURE: Pedro Garcia-81578ID# 81578

(Also print name and ID# at bottom of form where indicated)

Institution: W.S.C.CDate submitted: 12/23/19Unit/House: YNB-62AMedical: ☐Dental: ☒Mental Health: ☐Nursing: ☐

Other: _____

Reason for request: (Describe below)

Can I please know the name of the dentist
at High Desert State prison.Thank you!
A**DO NOT WRITE IN AREA BELOW**Response to request: I do not know who the dentist is
at HDSP g 12.31.19

- ☐ Appointment Schedule for: ____/____/____ Rescheduled for: ____/____/____
- ☐ No visit necessary
- ☐ No Show for Appointment
- ☐ Refused to be seen. DOC 2523-Release of Liability signed

PRESCRIPTIONS

- ☐ KOP ☐ NON-KOP
- ☐ Order Date: ____/____/____

PLAN

- ☐ Follow-up appointment ____/____/____ ☐ Return if needed
- ☐ No follow-up required

Signature/Title of Provider _____

Date ____/____/____

NEVADA DEPARTMENT OF CORRECTIONS

**MEDICAL KITE and/or
SERVICE REPORT**NAME: Garcia, Pedro J.

Last

First

MI

ID# 81578

Exhibit # 3

NDOC Law library response to
Legal work, and Delay.

7B44
9069

**NDOC LAW LIBRARY
CASE LAW/ RESEARCH MATERIAL
CHECK OUT REQUEST**

DATE 2-16-21FACILITY E. S. P. UNIT/BED # 7B-44INMATE NAME: Pedro Garcia # 81578

New or Current Litigation:

Case Number/ Court:

Name of Specific Case or Reference Material

Citation:

1. On 2-16-21 I sent legal	
2. work to the law library	
3. for copies, screening order, order	
4. ect. (Brass slip 2589934) can	
5. I please get the copies. They	
6. are to be sensitive I only have	
7. about 6 more days to get it	
8. to my lawyer.	
9. Thank you	
10.	

TOPICAL SEARCH :

This box must be signed by Law Library Supervisor/Designee prior to citation being printed.

SIGNATURE _____

DATE REQUEST RECEIVED _____

APPROVED _____ DENIED _____

REASON FOR DENIAL:

RECEIPT OF CITATIONDATE 2-16-21

INMATE SIGNATURE _____

INMATE SIGNATURE _____

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Due to exigent circumstances of Covid-19 Law Library is operating slower than normal.
Please be patient while all inmate requests are being tended to by date received and

do not duplicate your request as it slows down the process.

If you have a deadline please **indicate AND provide proof of the deadline** on your request so your request can be filled by its urgency.

Law Library operations will be limited to workers only and access via the kite system, per Warden Gittere, effective April 3, 2020. **No Inmate workers at this time....**

Legal Copy requests processed daily and delivered generally the day received by LL. Extension deadline forms are available from the ESP Law Library.

Requests for check-out material must be on a DOC-1716.

As of this date Law Library is processing requests from week 2 of February 2021.

In addition to State employees mandated furloughs.

S. Rose, Law Library Supervisor 2/17/2021

DOC-1716 (05/2020)

Please see response